



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00088-00

28 February 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LT [REDACTED], JAGC, USNR, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 16 Nov 99 w/attachments  
(2) PERS-911C memo dtd 1 Dec 99  
(3) PERS-86C memo dtd 1 Feb 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the date of acceptance on his Naval Reserve Officer Appointment Acceptance and Oath of Office (A&O) as 2 May 1999 vice 13 October 1999, and that his pay entry base date (PEBD) be changed accordingly to 25 February 1992. He further requested that his selection to lieutenant commander while on active duty in the Regular Navy be reinstated.

2. The Board, consisting of Messrs. Bartlett, Ensley and Frankfurt, reviewed Petitioner's allegations of error and injustice on 25 February 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing the acceptance date on his A&O from 13 October 1999 to 2 May 1999 and state that after the acceptance date is changed, they will issue a corrected statement of service to reflect no break in service.

c. In correspondence attached as enclosure (3), the NPC office with cognizance over Naval Reserve officer promotions has commented to the effect that they agree with the comments contained in enclosure (2), and that they will authorize Petitioner's promotion to lieutenant commander with a date of rank and effective date of 1 June 1999 after the acceptance date is changed.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

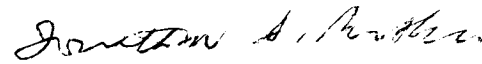
a. That Petitioner's naval record be corrected, where appropriate, to show his original appointment as a lieutenant, Judge Advocate General Corps, United States Naval Reserve was accepted on 2 May 1999 vice 13 October 1999; and that his PEBD and anniversary date be changed accordingly.

b. That his record be corrected further to show that he was promoted to lieutenant commander, Judge Advocate General Corps, United States Naval Reserve with a date of rank and effective date of 1 June 1999; and that his lineal precedence be adjusted accordingly.

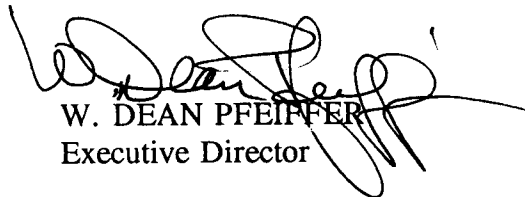
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director

48-00



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

IN REPLY REFER TO  
PERS-911C  
1 Dec 99

MEMORANDUM

From: Commander, Navy Personnel Command

Subj: COMMENTS CONCERNING THE DD-149 ICO [REDACTED] EN  
[REDACTED] USNR, [REDACTED]

1. The following information is provided, as requested by LT [REDACTED] or inclusion with his DD-149. We hope that providing this information at this time will expedite the processing of LT [REDACTED] DD-149.

2. Based on the information in [REDACTED] petition, we agree that there was an administrative oversight in the issuing of his Oath of Office. [REDACTED] separation orders direct the separating activity to deliver [REDACTED] appointment in the Naval Reserve. The separating activity should have ensured that this action was completed.

3. [REDACTED] Oath of Office is currently on file in his permanent record at Navy Personnel Command. We recommend that the date of acceptance on the Oath of Office be changed from 13 October 1999 to 2 May 1999. We will issue a corrected statement of service to reflect no break in service after the date of acceptance is changed.

4. Point of contact in this matter [REDACTED] at DSN [REDACTED] or commercial [REDACTED]

[REDACTED]  
By direction



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38052-0000**

Pers-86C  
01 Feb 00

**MEMORANDUM**

**From:** Naval Reserve Officer Promotions and Appointments  
**To:** Board for Correction of Naval Records

**Subj:** COMMENTS CONCERNING THE DD-149 [REDACTED]

[REDACTED] USNR, [REDACTED]

**Encl:** (1) CNPC Pers-911C MEMO of 1 Dec 99

1. We agree with the recommendation contained in enclosure (1). When [REDACTED] date of acceptance on the Oath of Office is changed to 2 May 1999, we will authorize his promotion to [REDACTED] date of rank and effective date of 1 June 1999.

[REDACTED]  
Supervisor, Naval Reserve  
Officer Promotions and  
Appointments Branch

OPTIONAL FORM 99 (7-90)	
<b>FAX TRANSMITTAL</b>	
# of pages ► /	
From [REDACTED]	To [REDACTED]
Dept / Agency [REDACTED]	[REDACTED]
File # [REDACTED]	[REDACTED]
NPN 7520-01-317-7360 6069-101 GENERAL SERVICES ADMINISTRATION	